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EXAMINER

SHINGLES, KRISTIE D

ART UNIT

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2141

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/777,406	<b>Applicant(s)</b> KURGANOV, ALEXANDER	
	<b>Examiner</b> KRISTIE D. SHINGLES	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32,34 and 50-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32,34 and 50-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Amendments**

Claims 32, 34, 53 and 63 were amended 12/28/2006.  
Claim 68 was newly added 12/28/2006.  
Claims 1-31, 33 and 35-49 are cancelled.

Claims 32, 34 and 50-68 are pending.

### **Response to Arguments**

**I.** In view of the Appeal Brief filed on 12/19/2007, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is a non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendment, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

**II.** Applicant's arguments with respect to claims 32, 34 and 50-68 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 102**

**III.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**IV. Claims 32, 33 and 50-68 are rejected under 35 U.S.C. 102(e) as being anticipated by *Berstis* (US 6,718,015).**

a. **Per claim 32, *Berstis*** teaches a method for allowing users to use speech commands to obtain information from a pre-defined portion of a pre-selected web site in audio format, said method comprising the steps of:

- (a) providing a computer having a speech processor, said computer being operatively connected to the internet and to at least one phone (*Abstract, Figures 1 and 2, col.2 lines 23-40, col.4 lines 4-25*);
- (b) providing a URL to said computer, said URL indicating a pre-selected web site from which the information is to be retrieved (*col.2 lines 10-22, col.4 lines 35-65*);
- (c) using said computer to designate a pre-defined portion of the pre-selected web site which contains the information to be retrieved (*col.4 lines 35-39, col.5 line 2-col.6 line 2*);
- (d) using said computer to identify a named object associated with the content of the information to be retrieved (*col.6 lines 1-41*);
- (e) allowing said computer to create a descriptor containing instructions which identify the web site URL and the location of the pre-defined portion of said pre-selected web site which contains said information to be retrieved, and said named object (*col.4 lines 35-60, col.5 lines 2-14*);
- (f) providing a speech command to said speech processor, said speech command corresponding to said descriptor (*col.4 lines 39-65, col.5 lines 7-14*);

- (g) said speech processor converting said speech command to a digital-form command (*col.5 lines 7-14*);
- (h) said computer receiving said digital-form command from said speech processor, said computer assigning said descriptor to said digital-form command (*col.5 lines 12-40*);
- (i) after steps (a) through (h) are completed, transmitting an audio speech command to said speech processor, said speech command corresponding to said descriptor (*col.4 lines 53-65*);
- (j) said speech processor converting said speech command to said digital-form command (*col.5 lines 7-14*);
- (k) said computer receiving said digital-form command from said speech processor (*col.4 lines 39-65*);
- (l) said computer retrieving said descriptor corresponding to said digital-form command (*col.4 lines 39-65, col.5 lines 2-11*);
- (m) said computer retrieving the information from the pre-defined portion of the pre-selected web site corresponding to said descriptor when the requested information is found in the pre-defined portion of the pre-selected website (*col.5 line 60-col.6 line 2*);
- (n) said computer searching said pre-selected web site for said named object when the requested information is not found in the pre-defined portion of the pre-selected web site (*col.5 lines 5-7, col.5 lines 25-29, col.5 line 60-col.6 line 2*);
- (o) said computer providing said retrieved information to said speech processor (*col.5 lines 39-40*);
- (p) said speech processor converting said retrieved information into an audio message (*col.5 lines 36-40, col.8 lines 11-15*); and
- (q) said speech processor forwarding said audio message to a user (*Abstract, col.4 lines 8-13*).

b. **Claims 53 and 63** contain limitations that are substantially equivalent claims 1 and 2 and therefore are rejected under the same basis.

c. **Per claim 50**, *Berstis* teaches the method of claim 32 wherein the step of providing a URL to a computer is performed by a user (*col.4 lines 35-62*).

d. **Per claim 51**, *Berstis* teaches the method of claim 32 wherein the step of using said computer to designate a pre-defined portion of the web site which contains the information to be retrieved comprises the steps of displaying the web site on a graphical display operatively connected to the computer (*col.5 lines 25-62, col.6 lines 33-34*); and using computer software to select the pre-defined portion of the pre-selected web site which contains the information to be retrieved (*col.4 lines 37-43*).

e. **Claims 62 and 65** are substantially equivalent to claim 51 and are therefore rejected under the same basis.

f. **Per claim 52**, *Berstis* teaches the method of claim 51 wherein the step of using the computer to designate a pre-defined portion of the web site which contains the information to be retrieved is performed by a user (*col.5 lines 5-7, col.5 lines 27-29, col.5 line 63-col.6 line 2*).

g. **Claims 61, 64 and 64** are substantially equivalent to claim 52 and are therefore rejected under the same basis.

h. **Per claim 54**, *Berstis* teaches the system of claim 53 wherein the phone is a landline telephone (*col.3 lines 53-56, col.6 lines 22-23*).

i. **Per claim 55**, *Berstis* teaches the system of claim 53 wherein the phone is a wireless telephone (*col.3 lines 53-56, col.6 lines 22-23*).

j. **Per claim 56**, *Berstis* teaches the system of claim 53 wherein the phone is an internet protocol telephone (*col.3 lines 53-66*).

k. **Per claim 57**, *Berstis* teaches the system of claim 53 wherein the server is operatively connected to a local area network (*col.3 lines 19-22 and 56-62*).

l. **Per claim 58**, *Berstis* teaches the system of claim 53 wherein the server is operatively connected to a wide area network (*col.3 lines 19-22 and 56-62*).

m. **Per claim 59**, *Berstis* teaches the system of claim 53 wherein the server is operatively connected to the Internet (*col.3 lines 19-22*).

n. **Per claim 60**, *Berstis* teaches the system of claim 53 further comprising a database operatively connected to the server, the database configured to store said instruction set and said recognition grammars (*col.4 lines 64-65, col.5 lines 11-16*).

o. **Per claim 68**, *Berstis* teaches the system of claim 53 wherein the named object is selected from the group consisting of: “weather”, “forecast”, “high”, “low”, “radar”, “temp”, “temperature”, “humidity”, “humidity level”, “wind”, “wind speed”, “wind direction”, “pressure”, “sunrise”, “time”, “month”, “day”, “stock”, “stock quote”, “news”, “new reel”, “airline”, “carrier”, “flight”, and “flight number” (*col.4 lines 35-41, col.5 lines 2-14*).

### **Claim Rejections - 35 USC § 103**

V. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**VI. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Berstis* (US 6,718,015) in view of *Bates et al* (US 6,732,142).**

**Per claim 34**, *Berstis* teaches the method of claim 32, yet fails to explicitly teach wherein the pre-defined portion of the pre-selected web site being retrieved is periodically updated. However *Bates et al* clearly teach the content of web pages being updated frequently (*col.1 line 54-col.2 line 3, col.7 lines 16-38, col.9 lines 39-52*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Berstis* with *Bates et al* for the purpose of updating the content of the user-retrieved webpages so that the user gets current, up-to-date content upon each access.

### **Conclusion**

**VII.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Uppaluru (5915001), Morton et al (6327572), Burg et al (6456699), Wesemann et al (6349132).

**VIII.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIE D. SHINGLES whose telephone number is (571)272-3888. The examiner can normally be reached on Monday 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Kristie D. Shingles***  
***Examiner***  
***Art Unit 2141***

***kds***

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144